



State of Louisiana

OFFICE OF THE GOVERNOR

Baton Rouge

70804-9004

M. J. "MIKE" FOSTER, JR.
GOVERNOR
June 28, 2001

POST OFFICE BOX 94004
(225) 342-7015

Secretary Donald L. Evans
Office of the Secretary
U. S. Department of Commerce
14th & Constitution Ave. NW, Room 5854
Washington, D.C. 20230

RE: Louisiana Coastal Impact Assistance Plan (CIAP)

Dear Secretary Evans:

The Louisiana Coastal Impact Assistance Plan (CIAP) has been developed through Louisiana's designated liaison, the Louisiana Department of Natural Resources, in accordance with the requirements set forth under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) as amended and the National Oceanic and Atmospheric Administration (NOAA) supplemental guidance. As you know, the CIAP purpose is to assist in mitigating the impacts from Outer Continental Shelf oil and gas production.

Local and state projects have been incorporated into the state plan and I hereby certify that local uses of funds are consistent with the legislation (§31(d)(2)(C)) and that ample opportunity has been accorded for public participation in the development of the plan (§31(d)(2)(D)). Additionally, the plan contains measures for taking into account other relevant federal resources and programs (§31(d)(2)(E)).

In the review of the proposed projects submitted by the parishes, the guidance provided in the federal statute and the supplemental guidance provided by NOAA were carefully considered. My discretion in making a clear and unequivocal determination of specific project eligibility was limited by the general nature of the eligibility criteria, the information provided by the parishes on proposed projects, and the limited role prescribed for the state of Louisiana in project selection by parishes.

Several questions remain concerning a few of the projects. I trust that there will be an opportunity during the NOAA review process to work with your staff to confirm the eligibility of all projects and to modify or substitute any projects which we might mutually agree may not fully meet the objectives of the Coastal Impact Assistance Program.

Thank you for the opportunity to submit this plan, which will assist in the substantial impacts associated with outer continental shelf exploration activities. If you have questions regarding the plan's contents, please do not hesitate to contact me or Assistant Secretary James R. Hanchey of the Louisiana Department of Natural Resources at (225) 342-3583.

Sincerely,



M.J. "Mike" Foster, Jr.

jw

Enclosure

LOUISIANA COASTAL IMPACT ASSISTANCE PLAN

**State of Louisiana
Governor Murphy J. “Mike” Foster, Jr.**

**Louisiana Department of Natural Resources
Secretary Jack C. Caldwell**

**Office of Coastal Restoration and Management
Assistant Secretary James “Randy” Hanchey**

June 2001

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I. INTRODUCTION AND PURPOSE

I.1. Legislation

The Coastal Impact Assistance Program (CIAP) was authorized by Congress under '903 of the Commerce, State, Justice FY2001 appropriations act through an amendment to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to assist states in mitigating the impacts from Outer Continental Shelf (OCS) oil and gas production. The CIAP recognizes that offshore oil and gas activities impact coastal states and localities nearest to where the activities occur, and where the related facilities are located. The CIAP legislation appropriates money to coastal states and coastal political subdivisions and further requires that the state submit a Coastal Impact Assistance Plan which describes how these funds will be expended.

The CIAP legislation offers several categories of authorized uses of funds. These funds must be dedicated to uses consistent with the legislation. The specific authorized uses of funds are:

- 1. uses set forth in section 32(c)(4) of the Outer Continental Shelf Lands Act proposed by the amendment to H.R. 701 of the 106th Congress as reported by the Senate Committee on Energy and Natural Resources. Those uses are*
 - A) activities which support and are consistent with the Coastal Zone Management Act including National Estuarine Research Reserve programs, the National Marine Sanctuaries Act, the Magnuson [Stevens Fishery Conservation and Management Act, or the National Estuaries program;*
 - B) conservation, restoration, enhancement or protection of coastal or marine habitats including wetlands, estuaries, coastal barrier islands, coastal fishery resources and coral reefs, including projects to remove abandoned vessels or marine debris that may adversely affect coastal habitats;*
 - C) protection, restoration and enhancement of coastal water quality consistent with the provisions of the Coastal Zone Management Act (16 U.S.C. 1451 et seq.), including the reduction or monitoring of coastal polluted runoff or other coastal contaminants;*
 - D) addressing watershed protection or other coastal or marine conservation needs which cross jurisdictional boundaries;*
 - E) assessment, research, mapping and monitoring of coastal or marine resources and habitats, including, where appropriate, the establishment and monitoring of marine protected areas;*
 - F) addressing coastal conservation needs associated with seasonal or otherwise transient fluctuations in coastal populations;*
 - G) protection and restoration of natural coastline protective features, including control of coastline erosion;*
 - H) identification, prevention and control of invasive, exotic and harmful non-indigenous species;*

- I) assistance to local communities to assess, plan for and manage the impacts of growth and development on coastal or marine habitats and natural resources, including coastal community fishery assistance programs that encourage participation in sustainable fisheries; and*
- J) projects that promote research, education, training and advisory services in fields related to coastal living marine resource use and management;*
- 2. projects and activities for the conservation, protection or restoration of wetlands;*
- 3. mitigating damage to fish, wildlife or natural resources, including such activities authorized under subtitle B of title IV of the Oil Pollution Act of 1990 (oil spill removal and contingency planning);*
- 4. planning assistance and administrative costs of complying with the provisions of this section;*
- 5. implementation of Federally approved marine, coastal, or comprehensive conservation management plans; and*
- 6. onshore infrastructure projects and other public service needs intended to mitigate the environmental effects of Outer Continental Shelf activities.*

Louisiana is one of the seven coastal states selected to receive funds under this appropriation to implement this program. The one year allocation to Louisiana is \$26.4 million. These funds will be expended according to the legislation and guidelines developed by the National Oceanic and Atmospheric Administration (NOAA). This document is the State of Louisiana's Coastal Impact Assistance Plan as required under the CIAP legislation.

I.2. State Goals

The CIAP legislation requires that the Governor designate a state agency to develop the Coastal Impact Assistance Plan (§31)(d)(2)(A) and represent and act for the State in dealing with the Secretary of Commerce for purposes of the program. The Louisiana Department of Natural Resources (LDNR) has been designated and given this authority. The LDNR point of contact for development and implementation of the plan is James "Randy" Hanchey, Assistant Secretary; or Gerald M. Duszynski, Deputy Assistant Secretary. They may be reached at:

Louisiana Department of Natural Resources
Office of Coastal Restoration and Management
P. O. Box 94396
Baton Rouge, LA 70804-9396
(225) 342-3583

LDNR is charged with the preservation and enhancement of the nonrenewable natural resources of the state, consisting of land, water, oil, gas, and other minerals, through conservation, regulation, and management/exploitation, to ensure that the state of Louisiana realizes appropriate economic benefit from its asset base.

The goal is to protect and, where feasible, restore and enhance coastal resources so that loss of coastal wetlands resulting from activities regulated by the Coastal Management Division of LDNR is offset by activities which provide equivalent wetland functional value. This is done while supporting and encouraging multiple use of coastal resources to allow for adequate economic growth and minimizing adverse effects of one resource use upon another.

Many positive steps have already been taken to address Louisiana's coastal wetland loss problem. LDNR began planning and implementing coastal restoration projects in 1981 through the Coastal Protection Trust Fund (Act 41). Since that time, LDNR has also been involved in several other programs, such as the Parish Coastal Wetlands Restoration Program, the Vegetation Planting Program, the Water Resources Development Act, the state's mitigation program, and the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA, also known as the Breaux Act) which have contributed to the restoration and preservation of Louisiana's coastal wetlands. However, these efforts are not enough to completely stop the loss of wetlands.

It was estimated in 1997 that efforts from the Breaux Act (the largest-scale program) would create, restore and protect 73,687 acres (115 square miles) during the next 20 years. The anticipated loss during the same time period is approximately 428,000 acres (670 square miles). The efforts to date, therefore, represent only the first steps necessary to save Louisiana wetlands.

In response to a proclamation by Governor Foster in 1997, the LDNR initiated a joint planning initiative between Parish Governments, Louisiana Wetland Conservation and Restoration Authority (Louisiana Wetland Authority), the Breaux Act Task Force, and the Department of Natural Resources Coastal Zone Management Authority called "Coast 2050". The goal of the Coast 2050 initiative is to develop a technically sound strategic plan to sustain coastal resources and provide an integrated multiple use approach to ecosystem management in partnership with the citizens of Louisiana and to fully integrate coastal wetland restoration with other significant coastal resources and uses. Only through an integrated, massive-scale efforts such as this, can we turn back the tide on America's vanishing wetlands.

I.3. CIAP Plan Development and Project Selection Process

The LDNR began the plan development with a solicitation for input and recommended projects from the nineteen (19) coastal political subdivisions, state agencies, and other interested groups (see Public Involvement). A description of the program, guidelines for application, and project selection criteria were disseminated through mailings and posted for download from the LDNR website.

The project selection criteria included:

1. Project(s) can be implemented within two (2) years.

2. Project(s) can reasonably be included in one of the six categories designated in the legislation and complies with the intent of the legislation.
3. Project(s) has been coordinated with other federal resources and programs whenever possible.
4. Project(s) request is not an alternative to existing resources such as CWPPRA, Coastal Management, etc.
5. Project(s) justification demonstrates the need for additional funding.
6. Assurance is given by the applicant of CIAP funds that cost overruns beyond the approved allocation will be borne by the applicant. Local/applicant match to this program is encouraged.
7. Project(s) has been included in previous planning efforts such as oil spill removal and contingency plans, or Federally approved marine, coastal, or comprehensive conservation management plans.
8. Applicant has demonstrated a commitment to maintain and/or monitor the project(s).
9. Applicant has demonstrated public involvement in project(s) selection.

Technical assistance was provided by the LDNR staff to potential applicants as needed in the development of their applications. May 11, 2001 was set as the deadline for receipt of recommended projects.

A CIAP committee was formed to review applications for funding assistance and to develop a list of recommendations for inclusion in the state plan to be considered by the Governor. The CIAP review committee consisted of a representative from the following state resource agencies:

- Louisiana Department of Natural Resources
- Louisiana Department of Transportation and Development
- Louisiana Department of Wildlife and Fisheries
- Louisiana Department of Agriculture
- Louisiana Department of Environmental Quality
- Governor's Office of Coastal Activities
- Governor's Office of Environmental Affairs.

In addition to the criteria established and published by the LDNR, the CIAP project selection committee's overall objectives for use of the state portion of the CIAP funds were to provide funding for projects that were most likely to produce statewide benefit for the state's coastal areas; particularly those areas significantly impacted by offshore oil and gas activities, and projects with long term environmental benefits to coastal wetland areas. Additionally, preference was given to projects which were compatible with the Coast 2050 plan and projects that were cost shared. Projects with known alternate sources of funding were not included in the plan. The working group based its recommendations on these objectives and in consideration of public comments.

Response to the notice of CIAP funding availability was tremendous. One hundred (100) applications for funding assistance were received and reviewed by the committee. These applications were from the nineteen eligible coastal political subdivisions, municipalities, state agencies, universities, and one from a private corporation. Four meetings were held at the DNR offices to review the applications. Comments during the meetings gave priority to projects which implemented coastal erosion (shoreline) control and nourishment; habitat protection, restoration, conservation, and enhancement; coastal or wetlands resource education; recreation area improvements; and infrastructure projects which mitigated the impacts of Outer Continental Shelf activities. Funding requests totaled over \$64 million.

DNR staff prepared a draft listing of projects based on the committee members comments and the committee confirmed the final list for recommendation to the Governor to be included in the CIAP Plan.

The plan was developed with consideration for the enormous amount of effort which has been expended in previous coastal planning efforts. Plan goals are in accord with the goals established by the Louisiana Department of Natural Resources and the State Wetlands Authority.

I.4. Description of public and coastal political subdivision involvement in development of the plan.

The Louisiana Department of Natural Resources (DNR) has implemented widespread efforts to notify and involve the public and coastal political subdivisions in the development of the CIAP plan. These efforts began soon after notification by the US Department of Commerce, National Oceanic and Atmospheric Administration of the availability of funding.

Preliminary guidelines, an application, and schedule were promptly prepared by DNR to present to interested groups, coastal political subdivisions, and other state agencies.

On February 9, 2001 DNR Secretary Jack Caldwell and DNR Office of Coastal Restoration and Management Deputy Assistant Secretary Gerry Duszynski presented preliminary guidance, application procedures, and a schedule for submittal of applications on the CIAP to the Police Jury Association at a meeting held in Lafayette, Louisiana. Soon after (February 15, 2001) the preliminary guidelines and schedule were posted on the DNR web site at <http://www.dnr.state.la.us/>.

On February 19, 2001 Secretary Caldwell and Deputy Assistant Secretary Duszynski met with the Conservation Council in New Orleans, Louisiana to review the CIAP guidelines.

Notification letters and guidelines were sent out to coastal political subdivisions on February 26, 2001. At this time a contact person was requested for all future

correspondence and notices. Deputy Assistant Secretary Gerry Duszynski provided assistance as needed.

Official notification letters and guidelines were sent to the State Wetlands Authority announcing the availability of funds on March 13, 2001. The Authority consists of the Governor's Executive for Coastal Activities and the Wetlands Conservation and Restoration Task Force. The Task Force is composed of the following members:

Executive Assistant for Coastal Activities, Office of the Governor
Special Assistant for Environmental Affairs, Office of the Governor
Secretary, Department of Natural Resources
Secretary, Department of Wildlife and Fisheries
Secretary, Department of Environmental Quality
Secretary, Department of Transportation and Development
Commissioner, Division of Administration
Director, State Soil and Water Conservation Committee

This notification was followed up at the Wetlands Conservation and Restoration Authority meeting held on March 15, 2001. Deputy Assistant Secretary Duszynski gave a briefing to the Authority on the status of the CIAP and discussed public input and final approval of the plan by the Authority.

On March 20, 2001 the Governor's Office of Coastal Activities sent the NOAA draft plan development guidance to their mailing list announcing the availability of funds.

On March 21, 2001 the Quarterly Coastal Management Local Programs meeting was held with the 19 local parish contacts. Deputy Assistant Secretary Duszynski gave an update on the CIAP and answered questions.

The March, 2001 issue of Louisiana Wetlands News, Spring 2001 published the CARA/CIAP update, deadlines and web site information.

The Spring 2001 issue of Louisiana Coastlines, published by the Louisiana Department of Natural Resources highlighted the CIAP program with a front page article titled, "NOAA guidelines for coastal impact program (CIAP)".

On April 9, 2001 Government Information Services, Local /State Grant & Regulation Alert announced availability of CIAP funding.

Phil Pittman with LDNR gave an update to Lac Des Allemands River Basin Initiative Council on April 18, 2001.

On April 26, 2001 DNR sent out a press release to all public information, newspapers, and radio news media on the CIAP information.

May 1, 2001 - an article was published by the New Orleans Times-Picayune title “Local parishes in line for oil money.”

May 9, 2001 – An article was published in the Baton Rouge Morning Advocate on the availability of funding.

May 22, 2001 - Joint Public Notice Mailing sent out with notice of public meetings to be held (June 4th in New Orleans), (June 11th in Lafayette), and June 27, 2001 – State Wetlands Authority Meeting to review the State plan for CIAP funds.

May 24, 2001 – Local Coastal Programs Quarterly Meeting – Deputy Assistant Secretary Duszynski gave an update on the CIAP and answered questions.

May 27, 2001 - The thirty-day public review of the plan begins with the published public notice in the Baton Rouge Morning Advocate.

May 31, 2001 – Draft CIAP Plan sent to coastal political subdivisions with notification of public meetings.

May 31, 2001 - – Draft CIAP Plan sent to all applicants for CIAP funds with notification of public meetings.

May 31, 2001 - Draft CIAP Plan delivered to state legislators with notice of public meetings.

June 4, 2001 – A letter was sent by DNR to all coastal political subdivisions with an update on the CIAP Plan and with an explanation that additional information would be needed once the plan was accepted by NOAA.

June 4, 2001 – Public meeting in New Orleans, LA to receive comments on the draft CIAP Plan.

June 11, 2001 – Public meeting in Lafayette, LA to receive comments on the draft CIAP Plan.

June 27, 2001 – State Wetlands Authority Meeting to review the State plan for CIAP funds.

I.5. Summary of Activities to be Funded With State CIAP Funds

The State of Louisiana will dedicate coastal impact assistance program funds to the following uses:

- \$250,000 Bayou Chinchuba Watershed Study
- \$250,000 Bayou Liberty Watershed Study
- \$450,000 Louisiana Wetlands Outdoor Learning Center (acquisition of 400 acres of wetland habitat within the city limits)
- \$4,728,125 Holly Beach Sand Management Plan
- \$56,000 Coastwide Brown Pelican Monitoring
- \$74,000 Louisiana Coastal Ecosystem - A workshop for Teachers
- \$77,000 Coastwide Eagle Monitoring
- \$140,000 Campground Improvements - Atchafalaya Delta WMA
- \$206,800 Oyster Lake Terracing - Marsh Island Refuge
- \$440,000 Lake Tom North Shoreline Stabilization - Marsh Island
- \$550,000 Grand Bayou Unit Boat Launch - Point-Au-Chien WMA
- \$500,000 Montegut Unit South Levee Repair - Point-Au-Chien WMA
- \$150,000 Hydrographic Monitoring Across Coastal Louisiana
- \$1,632,200 Public Oyster Resource Development Project
- \$300,000 Development and Implementation of the LA Regional Restoration Program in the Coastal Regions
- \$20,000 Coastal Roots: School Seedling Nursery Program for Wetland Restoration
- \$100,000 Marine Fisheries Laboratory Feasibility Study
- \$250,000 Control of Water Hyacinth and Salvinia
- \$250,000 Underwater Obstructions Removal Program
- \$271,912 Hackberry Road Improvement Project
- \$749,625 Fifi Island Restoration Project
- \$1,367,148 Leeville Bridge Preliminary Design
- \$1,000,000 Leon Theriot Lock Project
- \$195,420 Lafourche Marsh Creation Project
- \$1,000,000 Lake Salvador Shoreline Protection Project
- \$50,000 St. James Parishwide GIS

- \$1,805,586 Bank Stabilization Along Bush Canal and Bayou Terrebonne

TOTAL = \$16,863,816